

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

M. GLOSSER AND SON, INC.

Employer

and

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 542, AFL-CIO

Petitioner

Case 5-RC-14866

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.^{1/}
3. The Petitioner involved claims to represent certain employees of the Employer.²
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.^{3/}

All full-time and regular part-time non-clerical, non-sales employees employed by the Employer at its Camp Hill, Pennsylvania facility, excluding clerical and sales employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An Election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date, and employees engaged in

an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by

**INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 542, AFL-CIO**

LIST OF VOTERS

To insure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570-0001. The request must be received by the Board in Washington by **August 16, 1999.**

Dated August 2, 1999

at Baltimore, Maryland

/s/ LOUIS J. D'AMICO
Regional Director, Region 5



1/ M. Glosser and Son, Inc. (the Employer) is a Pennsylvania corporation engaged in the business of steel distribution at its facility located in Camp Hill, Pennsylvania. During the preceding 12 months, a representative period, the Employer purchased and received at its Camp Hill, Pennsylvania facility goods and materials valued in excess of \$50,000 directly from points outside the State of Pennsylvania.

2/ The parties stipulated that the International Union of Operating Engineers, Local 542, AFL-CIO (the Union) is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act, as amended.

3/ The parties agree that the following group of employees is an appropriate unit for purposes of collective bargaining:

All full-time and regular part-time non-clerical, non-sales employees employed by the Employer at its Camp Hill, Pennsylvania facility, excluding clerical and sales employees, guards and supervisors as defined in the Act.

There are approximately 14 employees in the unit and there is no history of collective bargaining.